

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII**

GUIDELINES FOR SUBMISSION OF PROPOSED ORDERS

GENERAL

1. **Submission on paper or by e-mail.** Unless the court directs otherwise, a proposed order or judgment may be submitted to the judge's chambers by delivery of a paper copy to the court or by e-mail transmission in accordance with these guidelines. A paper copy may be mailed or delivered to:

United States Bankruptcy Court
District of Hawaii
1132 Bishop Street, Suite 250L
Honolulu, HI 96813

Attn: Chambers.

A proposed order may be sent by e-mail to orders@hib.uscourts.gov. Specific guidelines for the electronic submission of a proposed order are set forth below.

2. **No e-mail submission of proposed orders subject to objection period.** Unless the court directs otherwise, a party may not submit by e-mail a proposed order that has not received the approval of all parties who appeared at a hearing on the matter or where there has not been a waiver of such approval. If a prevailing party is required to give notice of submission of a proposed order to the court and there is an opportunity to object to the order under LBR 9021-1(b), the proposed order and any objections or alternate forms of order must be submitted on paper.

3. **Proposed FOF/COL.** Proposed findings of fact and conclusions of law shall be submitted as a paper document. The drafting party shall also submit the document as a WordPerfect (.wpd) or Word (.doc) file, either by e-mail or on a computer diskette.

4. **Proposed order to be submitted separately from motion.** A proposed order to be signed by the judge must be submitted to chambers as a separate document. A proposed order attached to a filed document is treated only as an exhibit and will not be reviewed for action by the judge.

5. **Stipulated orders.** A stipulated order may be submitted on paper or by e-mail. The document will be filed by the clerk after being signed by the judge. As an alternative procedure, the stipulating parties may file the stipulation and subsequently submit a proposed order approving the stipulation. The proposed order must attach a copy of the stipulation as an exhibit.

6. **Reference to another document.** A proposed order referring to another document, such as a plan, disclosure statement, settlement agreement, etc., must attach a copy of the document as an exhibit.

7. **Expedited review.** Chambers staff monitors the submission of proposed orders on a routine basis, but not necessarily immediately upon receipt of a paper document or an e-mail transmission. A party seeking, with justification, the expedited review or entry of an order may contact the judge's chambers by e-mail at chambers@hib.uscourts.gov or by telephone at (808) 522-8111. A party filing an ex parte motion to shorten time, an application for a TRO, or the like, must contact the courtroom deputy at calendar@hib.uscourts.gov or by telephone at (808) 522-8100 ext. 111.

8. **Notice list.** To assist the clerk in giving notice of the entry of an order or judgment, the party submitting the proposed order shall attach a notice list with the names and addresses of those parties to whom notice is required under Fed. R. Bankr. P. 9022(a). The notice list shall be a separate page, placed after all other pages of the proposed order and any exhibits.

9. **Conformed copies.** If the submitting party provides additional paper copies of the proposed order for conforming and also provides stamped, addressed envelopes, the clerk will mail the conformed copies using the envelopes provided. If stamped, addressed envelopes are not provided, the clerk will place any conformed copies of signed orders in the attorney pick-up area of the clerk's office.

10. **Amended orders.** If an amended order is being submitted to correct a typographical or similar error, the first paragraph of the order shall contain a concise description of the correction (e.g., "This order amends an order entered December 1, 2003, and corrects the address of the subject property on page 3 to 1132 Bishop Street, Honolulu, HI."). In lieu of filing a motion to alter or amend, a party wishing to correct a typographical error may submit an amended version together with a cover letter briefly explaining the error. Other amendments must be sought by way of an appropriate motion.

11. **Format.** A proposed order shall include the following.

- a. **Identification of preparing party.** The proposed order shall contain in the upper left corner of the first page the name, address, telephone number, fax number, and e-mail address of the party preparing the document.
- b. **Hearing information.** If the proposed order concerns a matter heard by the court, the caption shall include the date and time of the hearing at which the final ruling was made.
- c. **Related docket entry.** If known at the time the proposed order is prepared, the caption shall include the docket entry of the related motion or application on which the ruling is being made.
- d. **Basis for ruling.** If the judge indicates at a hearing that the findings and conclusions of the court are being stated orally, the proposed order may state the following as the basis for the ruling: "For the reasons stated in open court, pursuant to Rule 7052 of the Federal Rules of Bankruptcy Procedure,"
- e. **Adequate description of relief granted.** The text of the proposed order shall provide an adequate description of the relief being granted, rather than merely reciting that the motion is granted.
- f. **Judge's signature page.** The page containing the judge's signature line or the location where the judge's signature will be affixed must not be on a separate page. The signature page must contain at least one line of the order's text. A proposed order submitted on paper must contain a signature line for the judge, above the wording "United States Bankruptcy Judge." A proposed order submitted by e-mail must not have a signature line for the judge - see paragraph 16 below for requirements.
- g. **Notice list.** The preparing party shall attach to the proposed order a list of names and addresses of those parties ("the contesting parties") to whom notice of the entry of the order must be given under Fed. R. Bankr. P. 9022(a).

E-MAIL SUBMISSION

12. **E-mail submission not mandatory.** The court encourages the submission of proposed orders by e-mail. However, e-mail submission is not mandatory.

13. **Content of e-mail message.** In addition to the file attachment, the e-mail message must clearly state:

- a. The number of the bankruptcy case or adversary proceeding;
- b. The name of the debtor(s) or short title of the action (e.g., Able vs. Baker); and
- c. A brief description of the order's subject matter (e.g., order granting relief from automatic stay).

14. **Electronic file format .** Unless the court orders otherwise, a proposed order submitted by e-mail shall be sent as a single PDF (Portable Document Format) file which includes the proposed order and any exhibits. [Note: A single PDF may be created by scanning all documents as one file, or by creating separate PDF files and inserting pages from one document into another. This may be done in Adobe Acrobat 6.0 by clicking on **Document ... Pages ... Insert.**] A party seeking to e-mail an unusually large file (over 2 MB) must contact chambers before transmitting. Chambers staff may request that a specific proposed order be submitted in a word processing format (.wpd or .doc file) to facilitate revision.

15. **Party signatures.** When e-mailing stipulated orders or proposed orders with signature lines for attorneys or parties approving as to form and/or content, the following are acceptable: (a) a scanned image of the signature, (b) "/s/" followed by the printed name of the individual, and (c) the representation "waived" if the individual has waived actual signing. Use of the "/s/" convention shall mean that, to the best of the the e-mailing party's knowledge, all individuals whose signatures are represented by "/s/" have in fact signed a copy of the document at or prior to the time of the e-mail transmission.

16. **Judge's signature.** A proposed order submitted by e-mail shall not contain a signature line for the judge. The proposed order instead shall provide a signature "space" in which the judge's signature, title, and court seal can be affixed electronically. This blank space for the judge's signature on the last page of the proposed order shall be approximately 2 inches by 4 inches.

17. **Interactive PDF form orders.** If the party is submitting a proposed order that is a court-approved form order with interactive or "fillable" fields in the PDF form, the party should "freeze" or "lock" the entries before submission. [Note: This may be done in Adobe Acrobat 6.0 by clicking on **File ... Print** and selecting **Adobe PDF** as the printer. The resulting PDF file is a new image - without the interactive fields.]

SAMPLE FORM OF ORDER - ATTACHED

Attorney / Party Name
Street Address
City, State Zip
Phone Number
Fax Number
E-mail Address

UNITED STATES BANKRUPTCY COURT

DISTRICT OF HAWAII

In re:

DEBTOR,

Debtor(s).

Case No. _____

Chapter _____

Hearing Date: _____

Time: _____

Judge: _____

Related Docket No.: _____

ORDER

Debtor's Motion, filed _____, _____, came on for hearing
on _____, _____. Appearing were _____

_____.

For the reasons stated in open court, pursuant to Rule 7052 of the Federal
Rules of Bankruptcy Procedure,

IT IS HEREBY ORDERED: _____

SAMPLE FORM OF ORDER

and at least one line of text on the signature page.

DATED: _____.

If submitting by e-mail, DO NOT create a signature line for the judge. Ensure there is a space at least 2" x 4" left blank for the judge's electronic signature.

Approval as to form:

[if e-mail, scanned image of signature]
Attorney 1

[or]

[if e-mail, /s/ **Jane Attorney**]
Attorney 2

[or]

waived
Attorney 3

EXHIBIT A

(Settlement Agreement, Disclosure Statement, etc.)

EXHIBIT A

SAMPLE FORM OF ORDER

Notice List:

[Parties entitled to receive notice of entry of order under Fed. R. Bankr. P. 9022(a)]

Party A
Street Address
City, State Zip

Party B
Street Address
City, State Zip

Party C
Street Address
City, State Zip

[Last page of document]

SAMPLE FORM OF ORDER